



UNITED STATES DEPARTMENT OF COMMERCE
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DS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/766,895	12/13/96	DUNNING	D 42390.P3991

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EXAMINER

VU, H

ART UNIT PAPER NUMBER

2733

5

DATE MAILED 08/25/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/766,895

Applicant(s)

Dunning et al

Examiner

Huy Vu

Group Art Unit

2733

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/1/98.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-27 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 6/1/98 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art of figure 3 in view of Huang et al (USP 5,442,474).

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Applicants' admitted prior art of figure 3 shows a reception at a switch of a packet of binary digital signals including encoded binary digital signals used to route the packet through a network. Applicants' admitted prior art of figure 3 differs from the claims in that Applicants' admitted prior art does not teach the copying of the encoded binary digital signals (headers) used to route the packet through the network for decoding the encoded binary digital signals (headers). However, such a feature is taught by Huang. Specifically, Huang teaches that encoded binary digital signals (headers and/or routing bits) for routing determination are copied for decoding of headers and routing bits (see the copying of headers and routing bits by circuits 510 and 520) to correctly route of the packet. Huang's copying circuit performs the copying function in parallel with the reception of the incoming packets and thus reduces processing time and improves routing speed in the switch. Hence, it would have been obvious to one skilled in the art at the time the invention was made to apply Huang's teaching of copying the headers and/or routing bits for decoding headers/routing bits in the prior art system of Applicants' admitted prior art with the motivation being to reduce processing time and, thus, improve routing speed in the switch.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd et al. (USP 5,465,251) in view of Huang et al (USP 5,442,474).

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Judd teaches the receiving at a switch (see node 450 in figure 13) of a packet of binary digital signals including encoded binary digital signals (headers) used to route the packet through a network. Judd differs from the claims in that Judd does not teach the copying of the encoded binary digital signals (headers) used to route the packet through the network for decoding the encoded binary digital signals (headers). However, such a feature is taught by Huang. Specifically, Huang teaches that encoded binary digital signals (headers and/or routing bits) contains routing information are copied for the decoding of headers and routing bits (see the copying of headers and routing bits by circuits 510 and 520) to correctly route the packet. Huang's parallel copying structure reduces processing time and, thus, improves routing speed in the switch. Hence, it would have been obvious to one skilled in the art at the time the invention was made to apply Huang's teaching of copying the headers and/or routing bits for decoding headers/routing bits in Judd's system with the motivation being to reduce processing time and, thus, improve routing speed in the switch.

4. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over May et al. (USP 5,422,881) in view of Huang et al (USP 5,442,474).

May teaches the reception of packets containing serial data format with "clock-with-data" encoding (see col. 5, lines 9-50). May fails to teach the specifying of a

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route without decoding. However, Huang teaches a format of routing bits in the packet, which enables the specifying of a route without decoding. Hence, it would have been obvious to one skilled in the art at the time the invention was made to apply Huang's teaching of using the routing bits for specifying a route in May's system with the motivation being to reduce processing time and, thus, improve routing speed in the switch.

Regarding claims 25-27, May's circuit La can be considered as a network interface component since it provides an interface between switch 10 and a host device or between switch 10 and another switch.

5. Applicants' arguments filed June 1, 1998 have been fully considered but they are not persuasive.

With respect to claims 1-16, in response to Applicant's argument that the prior art references do not teach the limitation of "encoded binary digital signals used to route packets through a network" as described in lines 3-14 of page 10 of the specification, Applicant misinterprets the principle that claims are interpreted in the light of the specification. Although these elements in the above-mentioned passage in the specification are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification

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provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms.

With respect to claims 17-27, in response to Applicant's argument that Huang patent fails to teach the limitation of "encoded binary digital signals specifying of a route without decoding" as described in the specification, applicant misinterprets the principle that claims are interpreted in the light of the specification. Although a specific description of the above limitation is found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms.

Furthermore, in response to Applicant's argument that Huang patent fails to teach the limitation of,

In response to Applicant's argument that does not include certain features of Applicant's invention, the limitations on which the Applicant relies (i.e., "to send these signal [sic] serially it is desirable to encode the bit stream so that at least a selected number and a selected frequency of bit transitions occur in the bit stream" and a specific description of encoding as described in lines 4-5 of page 3 and in page 9 respectively of the specification) are not stated in the claims. Therefore, it is irrelevant whether the reference includes those features or not.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 305-9508 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday - Friday from 8:00 a.m. to 5:30 p.m. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703) 305-4729.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a stylized flourish at the end.

Huy D. Vu
Primary Examiner

August 16, 1998